

Mayor Ernie Wentreck
Mayor Pro Tem Mark Conlee

Councilmembers
Jason Bienski
Ben Hardeman
Joe Marin
Mike Southerland
Annette Stephney

AGENDA

**BRYAN CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 26, 2006 – 3:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

- 1. CALL TO ORDER (Room 305)**
- 2. EXECUTIVE SESSION** - The City Council has determined a necessity to go into a closed to the public session under the provisions of Section 551, Texas Government Code, and the following topics may be discussed:
 - under the authority of Section 551.074, personnel – discussion regarding selection process for City Manager position, duties and responsibilities of Acting City Manager, possible selection of City Manager, annual performance evaluations of City Internal Auditor, City Secretary, and Municipal Court Judge and appointment of individual to the Planning and Zoning Commission;
 - under the authority of Section 551.072, deliberations about real property – discussion regarding the possible acquisition of land in west Bryan for economic development purposes; and
 - under the authority of Section 551.071, consultation with attorney – receive advice of legal counsel regarding *Karen Hall v. City of Bryan*, on appeal to Tenth Court of Appeals.
- 3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION, IF NECESSARY (COUNCIL CHAMBERS)**
- 4. INVOCATION (Approximately 6:00 p.m. – Monsignor John McCaffrey, St. Joseph Catholic Church) AND PLEDGE OF ALLEGIANCE**
- 5. PROCLAMATIONS AND PRESENTATIONS**
 - Recognition of the Buddy Walk Event
 - Recognition of Banned Books Week
 - Presentation of Hispanic Forum Award Recipients
- 6. HEAR CITIZENS**

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

This agenda consists of ministerial or “housekeeping” items required by law. Items may be removed from the consent agenda by majority vote of the Council.

- a. **Approval of [Minutes](#)** – Special Meeting of September 7, 2006, and Workshop and Regular Meetings of September 12, 2006.

- b. **Consideration – [Drainage Improvements](#) – Linda Huff**

Consider approving a proposed agreement between the City of Bryan and St. Joseph Catholic Church to partner in drainage improvements along East 26th Street and South Polk Avenue for a not to exceed City participation amount of \$43,323.50. Source of Funds: Drainage Utility Fund. ([Proposed Agreement, Cost Estimate and Storm Sewer Extension Plan View](#))

- c. **Consideration – [Write-Off of Uncollectible Ambulance Accounts Receivable](#) – Sandra Krieg**

Consider approving the write-off of uncollectible ambulance accounts receivable in the approximate amount of \$1,018,000.

- d. **Consideration – [Write-Off of Uncollectible Police Department Accounts Receivable](#) – Sandra Krieg**

Consider approving the write-off of uncollectible Police Department accounts receivable in the amount of \$600.

- e. **Consideration – [Plant Operations Lawn Maintenance Services](#) – David Schmitz and Charles Rhodes**

Consider award of an annual contract to Matt Jones Lawn Care of Bryan, Texas, in the amount of \$46,750 for plant operations lawn maintenance services. Source of Funds: Fiscal Year 2007 Water and Wastewater Services Operating Budget. ([Bid Tabulation](#))

- f. **Consideration – [Interlocal Purchasing Agreement with Texas Municipal Power Agency](#) – Roger Dempsey**

Consider approval of an interlocal purchasing agreement between the City of Bryan and Texas Municipal Power Agency. The proposed agreement authorizes the City of Bryan and Texas Municipal Power Agency purchasing managers to jointly prepare items, goods, equipment and services to be bid.

- g. **Consideration – [Annual Contract to Repair Metal Commercial Containers](#) – Kelly Wellman**

Consider award of contract with Double W. Services, LLC, of Meridian, Texas, in an amount not to exceed \$80,180 for an annual contract to repair metal commercial containers. Source of Funds: Solid Waste Fund Operating Budget. ([Bid Tabulation](#))

- h. **Consideration – [Third Party Claims Administration Services Extension](#) – Cindy Kirk**

Consider approving a contract extension with AS&G Claims Administration, Inc., for third party claims administration services for Fiscal Year 2007 in the amount of \$56,000. The fourth and final one-year extension period begins October 1, 2006, and ends September 30, 2007. Source of

Funds: Funds for the recommended expenditures are available in the proposed Fiscal Year 2007 budget – Self-Insurance Fund.

i. Consideration – [Renewal of Excess Public Entity Liability Insurance Policy](#) – Cindy Kirk

Consider approving the renewal of excess public entity liability insurance policy for Fiscal Year 2007 in the amount of \$151,694 with State National Insurance Company. This is a 1.9% increase from last year's premium and a 6% increase from the first year's premium. Premium increases are due to increases in the City's payroll while the actual rate structure guarantee remains effective in this third contract year. Source of Funds: Funds are available in the proposed Fiscal Year 2007 budget – Self-Insured Fund.

j. Consideration – [Renewal of Boiler-Machinery Insurance Policy](#) – Cindy Kirk

Consider approving the annual renewal of boiler-machinery insurance policy for Fiscal Year 2007 with Federal Insurance Company. The third renewal period begins October 1, 2006, and ends September 30, 2007. The Fiscal Year 2007 boiler machinery insurance renewal premium is \$273,925. This renewal premium remains at a 6.4% increase from the original premium of \$257,358. The renewal was reviewed and accepted by BTU Administration. Source of Funds: Funds for the recommended expenditure are available in the proposed Fiscal Year 2007 budget. The premium is allocated based on insured equipment values to the General Fund, Sewer Utility Fund and BTU. Certain information may be considered competitive as it relates to BTU's business operations, so amounts allocated have not been included.

k. Consideration – [Renewal of Property Insurance Policy](#) – Cindy Kirk

Consider approving the renewal of the City of Bryan's Fiscal Year 2007 property insurance policy with Texas Municipal League Intergovernmental Risk Pool. The third renewal period begins October 1, 2006, and ends September 30, 2007. There is no increase in the Fiscal Year 2007 renewal. The City's current premium is \$115,370. This reflects a 5.3% increase from the original premium of \$109,465. Source of Funds: Funds for the recommended expenditure are divided among all funds and departments. The renewal premium is below the Fiscal Year 2007 total budgeted amount of \$135,510.

l. Consideration – [Annual Software and Hardware Support and Maintenance](#) – Gus Roman

Consider approval of a contract with INX, Inc., for annual software and hardware support and maintenance for Cisco SMARTnet through a State of Texas Department of Information Resources (DIR) contract in the amount of \$48,221.37. Source of Funds: General Fund Computer Maintenance/Software License Agreement and Computer Hardware Maintenance. ([INX, Inc. Quote](#))

m. Consideration – [Replacement of Federal Building Chiller](#) – Mark Hollas

Consider award of contract to Har-Con Corporation of Houston, Texas, in the amount of \$45,500 for the replacement of the Federal Building chiller. Source of Funds: Facility Services Department. ([Bid Tabulation](#))

n. Consideration – [Change Order Number Two to the Beck Street Extension Project](#) – Paul Kaspar

Consider change order number two with Young Contractors in an amount not to exceed \$199,782.86 for the Beck Street Extension Project. Source of Funds: 2005 Certificates of Obligation. ([Change Order](#))

o. Resolution – [City of Bryan Investment Policy](#) – Kathy Davidson

Adoption of a resolution of the City Council of the City of Bryan, Texas, adopting an investment policy for the City of Bryan, Texas. The Investment Committee recommends approval of the Investment Policy, as revised, and also recommends approval of the authorized broker/dealers for Fiscal Year 2007.

p. Resolution – [Austin's Colony Neighborhood Improvement Matching Grant Request](#) – Ronnie Jackson

Adoption of a resolution of the City Council of the City of Bryan, Texas, approving a neighborhood improvement grant application submitted by the Austin's Colony Homeowner's Association to assist in a neighborhood improvement project to enhance the landscape beautification of the Austin's Colony Subdivision and to increase the integrity of the neighborhood. Source of Funds: Neighborhood Improvement Matching Grant Fund.

q. Resolution – [Downtown Neighborhood Association Neighborhood Improvement Matching Grant Request](#) – Ronnie Jackson

Adoption of a resolution of the City Council of the City of Bryan, Texas, approving a neighborhood improvement grant application submitted by the Downtown Neighborhood Association to raise the level of community pride in the Downtown Neighborhood Association area and stimulate interaction among neighbors by supporting arts and cultural projects that increase the integrity of the neighborhood. Source of Funds: Neighborhood Improvements Matching Grant Fund.

r. Resolution – [Poplar Circle Neighborhood Association Neighborhood Improvement Matching Grant Request](#) – Ronnie Jackson

Adoption of a resolution of the City Council of the City of Bryan, Texas, approving a neighborhood improvement grant application submitted by the Poplar Circle Neighborhood Association to assist in a neighborhood improvement project to enhance the landscape beautification of the Poplar Circle Neighborhood Association area and to increase the integrity of the neighborhood.

s. Resolution – [Authorized Signatories](#) – Kathy Davidson

Adoption of a resolution of the City Council of the City of Bryan, Texas, designating the authorized signatories for all city financial transactions with the authorized depository bank and any other financial institutions in order to execute necessary financial transactions to conduct the City's financial affairs.

t. Second and Final Reading of an Ordinance – [Annexation of 20.32 Acres of Vacant Land](#) – Martin Zimmermann

Second and final reading of an ordinance of the City of Bryan, Texas, annexing territory generally described as being 20.322 acres of land out of Thomas J. Wooten League, A-59, located south of Chick Lane and approximately 830 feet north of West Villa Maria Road, west from its intersection with Kimmy Drive in Brazos County, Texas, and being adjacent and contiguous to the present corporate limits of the City of Bryan; finding that all necessary and required legal conditions have been satisfied; describing the territory annexed and providing a service plan therefore; obligating the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants and owners of said territory; and assigning a zoning classification.

u. Second and Final Reading of an Ordinance – [Budget Amendment](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 1593, increasing budget appropriations for Fiscal Year 2006, from \$247,308,999 to \$247,514,304; total increase in appropriations being \$205,305.

v. Second and Final Reading of an Ordinance – [Budget Amendment for Bryan Texas Utilities](#) – Dan Wilkerson and Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, increasing budget appropriations for Fiscal Year 2006, from \$247,514,304 to \$302,783,991; total increase in appropriations being \$55,269,687.

w. Second and Final Reading of an Ordinance – [Budgeted Transfers and Budgeted Reimbursements](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, approving the budgeted transfers to the general fund from the city-owned utilities for use of the City rights-of-way; and approving the budgeted reimbursements to the general fund for services provided by the general fund to the city-owned utilities for the fiscal year beginning October 1, 2006, and ending September 30, 2007, both dates inclusive.

x. Second and Final Reading of an Ordinance – [Denying the 2006 Rate Case Increase Proposed and Filed by Atmos Energy Corporation, Mid-Tex Division](#) – Hugh Walker

Second and final reading of an ordinance of the City of Bryan, Texas, denying the rate increase proposed by the Atmos Energy Corporation, Mid-Tex Division; requiring the reimbursement of municipal rate case expenses; finding that the meeting complies with the Open Meetings Act; and making other findings and provisions related to the subject.

y. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 06-19\)](#) – John Dean

Second and final reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, by changing the zoning classification of 'RD-5' Residential District – 5000 to 'C-3' Commercial District for a 4.71 acre tract being Block 19, Lot 18, TR-276, Stephen F. Austin Survey #10, located at 2707 State Highway 21 East, Bryan, Brazos County, Texas.

z. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 06-28\)](#) – Martin Zimmermann

Second and final reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, changing the zoning classification from 'C-3' Commercial District to 'RD-5' Residential District – 5000 on two vacant lots located at the northeast corner of West Martin Luther King Jr., and North Congress Streets, being Lots 1 and 2 in Block 215 of Bryan Original Townsite in northeast central Bryan, Brazos County, Texas.

8. STATUTORY AGENDA

This agenda consists of items previously approved by Council action, such as adoption of items that are part of an approved budget or capital improvement projects, first readings of ordinances, or action which is required by law or delegated to the City Manager. Items may be removed from the statutory agenda at the request of two Councilmembers.

a. Consideration – [Grant Agreement with Texas Department of Transportation](#) – John Dean

Consider authorizing the City Manager to execute a grant agreement with the Texas Department of Transportation for the purchase of land at Coulter Airfield. This purpose of this land acquisition is to protect the airport from future developments which may be incompatible with aeronautical activities at Coulter Airfield. The total amount of the grant from the Texas Department of Transportation is \$421,236. This grant agreement would obligate the City of Bryan to 10% of the amount of the grant which is \$42,124, plus any amount which exceeds the total grant amount. Source of Funds: Special Projects Fund (Elf-Atochem settlement funds). ([Grant Agreement](#))

b. Consideration – [Renewal of Brazos County Lease Agreement](#) – Mark Hollas

Consider approval of a lease renewal with Brazos County for 925 square feet of office space on the main floor of the Federal Building for the monthly amount of \$693.75. Source of Funds: Maintenance and operational costs are provided by the Facility Services Department. ([Proposed Lease Agreement](#))

c. Resolution – [Establishing Charges for Disposal Services at Rock Prairie Landfill](#) – Kelly Wellman

Adoption of a resolution of the City Council of the City of Bryan, Texas, establishing charges for disposal services provided by the Brazos Valley Solid Waste Management Agency's Rock Prairie Road Landfill; revoking all previous resolutions. This rate resolution increases rates and fees for the Brazos Valley Solid Waste Management Agency Rock Prairie Road Landfill for all services by 8%. ([BVSWMA Policy Advisory Board Minutes and Proposed Rate Comparison](#))

d. First Reading of an Ordinance – [Proposed Modifications to Chapter 122, Utilities, Article IV Wastewater System, Division 2, Sewer Use, of the City of Bryan Code of Ordinances](#) – Kelly Wellman

First reading of an ordinance of the City of Bryan, Texas, providing that the Code of Ordinances of the City of Bryan, Texas, be amended by revising Article IV, Division 2, Sewer Use, of Chapter 122, by establishing regulations on unsewered and miscellaneous discharges, regulating traps, regulating transported waste and establishing waste regulations for mobile food vendors. ([Existing Ordinance with Suggested Changes](#))

e. First Reading of an Ordinance – [Proposed Modifications to Chapter 102, Solid Waste](#) – Kelly Wellman

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 102, Solid Waste, of the Bryan City Code, by deleting or amending superfluous or inconsistent definitions and terms, correcting certain grammatical or structural irregularities, establishing time limits for the placement of garbage and other types of solid waste for regular or scheduled collection by the City and establishing additional requirements for the collection of tires, brush, limbs and bulky waste, deleting provisions pertaining to liquid waste haulers for relocation to another Chapter, and providing for the collection, transportation and disposal of medical and special waste; providing for penalty; and providing for publication in the newspaper.

f. Second and Final Reading of an Ordinance – [Proposed Fiscal Year 2007 Budget](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, approving and adopting a budget for the fiscal year beginning October 1, 2006, and ending September 30, 2007, both dates inclusive, with expenditures in the combined total amount of \$254,204,842 and revenues in the combined total amount of \$260,087,858; appropriating funds for the maintenance and operation of the various departments, activities and improvements of the City; appropriating funds for the payment of debt obligations in accordance with applicable contracts and laws; providing that expenditures for said fiscal year shall be made in accordance with said budget; and authorizing the City Manager to make certain transfers of funds.

9. REGULAR AGENDA

This portion of the agenda consists of items requiring individual consideration by the Council.

a. Second and Final Reading of an Ordinance – [Tax Rate Increase](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, fixing the tax levy of the City of Bryan, Texas, for the taxable year 2006 at \$0.6364 per \$100 of assessed valuation.

b. Consideration – [Change Order Number One to Justice Center Project](#) – Hugh Walker

Consider acceptance of change order number one for reductions to the Justice Center construction contract in the amount of \$242,070 as recommended by the architect and city staff, or in an amount not to exceed \$579,290. If approved, the acceptance of this change order in the amount of \$242,070 will further reduce the construction costs to \$17,306,530. Source of Funds: 2006 Certificates of Obligation.

c. Consideration – [Contract for Construction Facilitator for Justice Center](#) – Hugh Walker

Consider authorizing the Mayor to sign a contract with Madison Construction, L.P., to provide construction facilitation and observation for the Justice Center project in an amount not to exceed \$140,000, plus reimbursable expenses. Source of Funds: Certificates of Obligation issued for the Justice Center. ([Contract](#))

10. COUNCIL COMMITTEE REPORTS

Intergovernmental Committee

11. ACTING CITY MANAGER'S REPORT AND COUNCIL CONCERNS

Staff recognition, upcoming meetings and events, reports on attendance at meetings and events, future Council agenda items, and update on current capital improvement, development and redevelopment projects.

12. ADJOURN

FOR INFORMATION ON SIGN LANGUAGE INTERPRETATION, TDD OR OTHER TRANSLATION OR ACCESSIBILITY INFORMATION, PLEASE CONTACT THE PUBLIC INFORMATION OFFICER AT 209-5120. PLEASE TRY TO CONTACT THE ABOVE PERSON AT LEAST 48 HOURS BEFORE THE SCHEDULED TIME OF THE MEETING SO THAT YOUR REQUEST MAY BE ACCOMMODATED.